

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: FOSAMAX (ALENDRONATE
SODIUM): PRODUCTS LIABILITY
LITIGATION**

MDL No. 2243

Master Docket No. 08-08 (JAP)(LHG)

THIS DOCUMENT RELATES TO:

Daphne Hunter, No. 12-cv-6300

Stella Fleetwood, No. 13-2108

Mary Snow, No. 13-2109

Sharon Wallheimer, No. 13-6563

Deborahanne Wicher, No. 12-964

Ruth Bundy, No. 14-1215

Lucila Ulstein, No. 14-1223

PISANO, District Judge

Presently before the Court are several motions by Defendant, Merck Sharp & Dohme Corp. and Merck & Co., Inc.'s (collectively "Merck" or "Defendant"): (1) a motion to dismiss [docket #3922] Plaintiffs, Daphne Hunter, Stella Fleetwood, Mary Snow, and Sharon Wallheimer's cases for failure to provide verified Plaintiff Profile Forms ("PPF") and Authorizations for Releases of Medical Records and other sources of information ("Authorizations") as required by Case Management Order No. 8 ("CMO 8"); (2) a motion to dismiss [docket #3924] Plaintiff, Deborahanne Wicher, as executor of the estate of Helen Wicher's case, for failure to provide verified PPF's and Authorizations as required by CMO 8, which Plaintiff opposed [docket #3937]; and (3) a motion to dismiss [docket #3978] Plaintiffs Ruth Bundy and Lucila Ulstein's cases for failure to provide verified PPF's and Authorizations as required by CMO 8, which Plaintiffs opposed [docket #4023 and #4024]. The Court considered the papers filed by the parties and rules on the written submissions without oral argument pursuant to Federal Rule of Civil Procedure 78.

IT APPEARING TO THE COURT THAT, CMO 8 requires Plaintiffs to submit completed PPFs and Authorizations to counsel for Defendant within seventy-five (75) days from the date their complaint is answered; and

IT APPEARING TO THE COURT THAT, to the extent any Plaintiff fails to submit the required forms, Merck may thereafter send a deficiency letter giving the individual Plaintiff thirty (30) days to cure; and

IT APPEARING TO THE COURT THAT, CMO 8 provides where any Plaintiff fails to cure, Merck may move for dismissal of the Plaintiffs' claims; and

IT APPEARING TO THE COURT THAT, Plaintiff Deborahanne Wicher provided Merck with the PPF's and Authorizations as required by CMO 8; and

IT APPEARING TO THE COURT THAT, Plaintiffs Daphne Hunter, Stella Fleetwood, Mary Snow, Sharon Wallheimer, Ruth Bundy, and Lucila Ulstein failed to provide Merck with the required PPFs and Authorizations; and

IT APPEARING TO THE COURT THAT, Merck sent counsel to these Plaintiffs' a deficiency letter surrounding the failure; and

IT APPEARING TO THE COURT THAT, these Plaintiffs failed to cure the deficiencies; Accordingly,

It is on this 9th day of February, 2015,

ORDERED that Merck's motion to dismiss [docket #3922] is GRANTED, as these Plaintiffs have failed to comply with CMO 8; and it is further

ORDERED that Merck's motion to dismiss [docket #3924] is DENIED, as Plaintiff Deborahanne Wicher sent Merck the required PPF's and Authorizations, thereby rendering Merck's motion moot; and it is further

ORDERED that Merck's motion to dismiss [docket #3978] is GRANTED, as these Plaintiffs have failed to comply with CMO 8; and it is further

ORDERED that the Clerk of this Court shall terminate Plaintiffs Daphne Hunter, Stella Fleetwood, Mary Snow, Sharon Wallheimer, Ruth Bundy, and Lucila Ulstein from lead docket 08-cv-08; and it is further

ORDERED that Plaintiffs Daphne Hunter, Stella Fleetwood, Mary Snow, Sharon Wallheimer, Ruth Bundy, and Lucila Ulstein individual Complaints are DISMISSED; and it is further

ORDERED that the Clerk of this Court shall terminate these Plaintiffs individual actions, docket numbers: Daphne Hunter (12-cv-6300); Stella Fleetwood (13-cv-2108); Mary Snow (13-cv-2109); Sharon Wallheimer (13-cv-6563); Ruth Bundy (14-cv-1215); and Lucila Ulstein (14-cv-1223).

/s/ Joel A. Pisano
JOEL A. PISANO
United States District Judge